

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN JULIUS and PATRICIA RICHARDS,

Plaintiffs,

v.

**TOWN OF BARNSTABLE BOARD OF
ASSESSORS, et al. ,**

Defendants.

Civil Action No. 14-11124-DJC

ORDER

CASPER, J.

May 27, 2014

On March 31, 2014, plaintiffs John Julius and Patricia A. Richards, homeowners who live in Hyannis, Massachusetts, filed a pro se complaint pursuant to 28 U.S.C. § 2403 and Rule 5.1 of the Federal Rules of Civil Procedure. On April 1, 2014, plaintiffs filed a Motion for Judgment as a Matter of Law.

Plaintiffs have not paid the \$350.00 filing fee and the \$50.00 administrative fee,¹ see 28 U.S.C. § 1914(a) (\$350.00 filing fee for all non-habeas civil actions), or filed a motion for leave to proceed without prepayment of the filing fee, see 28 U.S.C. § 1915 (proceedings *in forma pauperis*). Where there are multiple plaintiffs in a civil action, it has been the practice of this Court to apportion equally the filing fee between or among all plaintiffs. See 28 U.S.C. § 1914(a) and (b).

Accordingly, it is hereby ORDERED that:

- 1) Plaintiffs must either (1) pay the \$400.00 filing and administrative fees; or (2) move for leave to proceed without prepayment of the filing fee. Failure of either plaintiff

¹The \$50.00 administrative fee became effective May 1, 2013. See Judicial Conference Fee Schedule.

to comply with this directive within 21 days of the date of this Order may result in the dismissal of such party from this action;

- 2) If plaintiffs elect to seek in forma pauperis status, each plaintiff must submit an affidavit that includes a statement of all plaintiff's assets. See 28 U.S.C. § 1915(a)(1). For the convenience of litigants, this Court provides a form application to seek leave to proceed *in forma pauperis*. The Clerk shall provide each plaintiff with an Application to Proceed in District Court Without Prepaying Fees or Costs;
- 3) Plaintiffs' Motion for Judgment as a Matter of Law is denied without prejudice to renewal after the filing fee issue has been resolved; and
- 4) No summonses shall issue pending further Order of the Court.

SO ORDERED.

/s/ Denise J. Casper
Denise J. Casper
United States District Judge